

SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION

455 Golden Gate Avenue, Suite 10600 • San Francisco, California 94102 (415) 352-3600 • Fax: (415) 352-3606 • www.bcdc.ca.gov

December 20, 2013

TO: Commissioners and Alternates

FROM: Lawrence J. Goldzband, Executive Director (415/352-3653, lgoldzband@bcdca.gov)
Bob Batha, Chief of Permits (415/352-3612, bobb@bcdca.gov)

SUBJECT: Listing of Pending Administrative Matters
(For Commission consideration on January 2, 2014)

This report lists the administrative matters that are pending with the Commission. *Due to the cancellation of the meeting of January 2, 2014, and pursuant to Commission Regulation Section 10620(a), the Executive Director will take final action on these matters unless a Commissioner requests full Commission consideration by communicating with the staff prior to January 2, 2014.* In the absence of such a request, the listed matters will be executed administratively on or after January 2, 2014.

Administrative Permits and Federal Consistency Actions

The following administrative permit applications have been filed and are presently pending with the Commission. The Executive Director will take the action indicated on the matters unless the Commission determines that it is necessary to hold a public hearing.

Applicant: Oakmont Senior Living, LLC
220 Concourse Boulevard
Santa Rosa, California 95403

BCDC Permit Application No. M2013.006.00

Filed: 12/19/13

90th Day: 03/19/14

Location: Within the 100-foot shoreline band, at 2400 Mariner Square Boulevard, in the City of Alameda, Alameda County.

Description: Demolish an existing, vacant restaurant structure and associated parking lot, and construct a three-story, (approximately 35 feet tall at its highest point), 42,000-square-foot assisted living facility with a 14,460-square-foot building envelope, 4,779 square feet of which would be constructed within the 100-foot shoreline band. The building would provide 52 assisted living units for senior citizens as well as dining rooms and associated kitchens, cafes, entertainment and activity rooms, administrative offices and other associated amenities. The project would include reconstructing the existing public access area by installing a 243-foot-long, 12-foot-wide pathway with an adjacent 4-foot-wide decomposed granite running path that would parallel the Bay and run through a 19,052-square-foot landscaped public access area with seating.

Tentative Staff Position: Recommend Approval. (Michelle Levenson) [415-352-3618 or michellel@bcdca.gov]



Making San Francisco Bay Better

Applicant: Pete's Enterprises LLC
1 Uccelli Boulevard
Redwood City, CA 94063

BCDC Permit Application No. M2013.017.00

Filed: 12/17/13

90th Day: 03/17/14

Location: In the Bay and within the 100-foot shoreline band, at 1 Uccelli Boulevard in the City of Redwood City, San Mateo County.

Description: Install, use, and maintain 180-linear feet of 8-foot-high chain-link fence to provide security and prevent access at a closed marina facility.

Tentative Staff Position: Recommend Approval. (Erik Buehmann, 415-352-3645 or erikb@bcdcc.ca.gov)

Applicants: MLS USA Corporation
164 Farmington Road
Longmeadow, MA 01106

AND

Port of Redwood City
675 Seaport Boulevard
Redwood City, CA 94063

BCDC Permit Application No. M2013.020.00

Filed: 12/19/13

90th Day: 03/19/14

Location: In the Bay, within an area designated in the *San Francisco Bay Plan* (Bay Plan Map No. 6) as port priority use area, at Wharf 5, 675 Seaport Blvd., in Redwood City, San Mateo County.

Description: **In the Bay**

Install an approximately 1,800-square-foot, temporary (up to six weeks) floating dock and gangway to support a 30-day trial run of a private, employee commuter ferry. The dock would be removed within one week following the 30-day trial run.

The project would result in approximately 1,800 square feet of temporary Bay fill and no new public access.

Tentative Staff Position: Recommend Approval. (Ellie Knecht, 415-352-3668 or elliek@bcdcc.ca.gov)

Permits in the Secondary Management Area of the Suisun Marsh

Solano County has issued the following marsh development permit since the last listing.

Applicant: Lois Tonnesen
3700 Scalley Road
Suisun, CA 94585

**Marsh Development Permit No. MD-82-12, Extension No. 6
And Use Permit U-82-42**

Filed: 12/09/13
20th Working Day: 01/07/14

Description: The project involves a five-year extension of Solano County Marsh Development Permit No. MD-82-12 and Use Permit U-82-12 to continue the operation of a pet cemetery at a 20-acre site in the secondary management area of the Suisun Marsh in a Limited Agricultural zoning district, at 3700 Scalley Road, in unincorporated area of Solano County. The property consists of relatively flat to gently sloping grazing land, a single-family residence, and a pet cemetery. Site operations mainly involve the burial of small pets in approximately 10-foot-deep common pits. Pet owners are prohibited from visiting the site. Animal remains are delivered to the site from around the Bay Area.

The County conditionally approved the pet cemetery project in 1980, and its decision was appealed to BCDC, which denied Marsh Development Permit No. MD-82-12 due to concerns that the project would establish a precedent for class II disposal sites in the secondary management area of the Marsh. The County adopted the Suisun Marsh Local Protection Plan (LPP) in 1982, which limited the types and numbers of uses in the Marsh. BCDC certified the LPP as consistent with the Suisun Marsh Preservation Act. The County found the pet cemetery to be an allowable use, and approved the subject marsh development permit. One of the conditions of approval requires that the use permit be extended every five years. Marsh Development Permit No. MD-82-12 was issued in 1983, and has been extended by the County in 1987, 1992, 1997, 2002, and 2008.

On April 8, 2009, the San Francisco Regional Water Control Board staff determined that the pet cemetery is an animal waste disposal facility best classified under Title 27 regulations as a non-municipal solid waste, Class III Nonhazardous Solid Waste Disposal Facility. In response to that classification, CalRecycle (formerly the Integrated Waste Management Board) staff determined that they must also regulate the pet cemetery as a solid waste disposal facility. CalRecycle directed the Solano County Department of Resource Management, the Local Enforcement Agency (LEA) to require the operator (Tonnesen Pet Cemetery) to apply to the LEA for a solid waste facility permit to continue to dispose of solid waste for waste management in Solano County to issue a Solid Waste Facility Permit for the facility.

Tonnesen Pet Cemetery was added to the amended Countywide Siting Element of the Solano County Integrated Waste Management Plan that was approved by CalRecycle on July 17, 2012. The applicant is currently working with the LEA to obtain a Solid Waste Facility Permit.

On November 26, 2013, the Solano County Board of Supervisors approved the resolution and staff report granting another five-year extension to the marsh development permit for continuing operations at the pet cemetery because, among other things the permit requires the permittee to: (1) minimize physical

and visual disturbance by limiting the area disturbed by burial disposal to six pits at any time; (2) cover, recontour, and revegetate each burial area prior to disturbing any new burial site; (3) screen each burial area to eliminate dust and visual impacts during burial operation; (4) protect groundwater quality by complying with the requirements of the Regional Water Quality Control Board and the County Division of Environmental Health regarding standards for covering and capping burial pits, excavating burial pits no deeper than 10 feet and not below the groundwater level, and reporting the number of animals buried each month to the County; and (5) only operate for five years unless an additional extension of time is applied for and granted.

Although the County did not make any formal determination about the proposed time extension's consistency with the Local Protection Program for the Marsh and the Suisun Marsh Preservation Act, relevant sections of the County's LPP include the following policies: "The proliferation of sites for the disposal of special wastes could have significant adverse impacts upon preservation of marsh upland areas. The animal burial ground on Scalley Road under County Use Permit should be allowed to operate as conditioned. The creation of additional disposal sites of a special nature shall be prohibited." Further, the County's LPP requires that existing non-agricultural uses within the secondary management area be allowed to continue if they will not adversely impact the Marsh, and that development occur in a manner that minimizes impacts of earth disturbance, erosion and water pollution.

The pet cemetery project, originally authorized in 1983, was the subject of a Negative Declaration. The County staff's report states that the time extension to Marsh Development Permit No. MD-82-12 would not result in any additional or new impacts and there is no evidence in their records of additional or new impacts and, therefore, additional CEQA analysis is not required. Final Notice of County approval of the project was received at the Commission's office on December 9, 2013. Anyone who wishes to file an appeal with BCDC of the County decision must do so by 5:00 p.m. on January 7, 2014, at the Commission's office.

(Ming Yeung) [415/352-3616, mingy@bcdca.gov]